

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE FOURTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI JUSTICE C.V.RAMULU

WRIT PETITION No.18773 of 1998

Between:

R.Ramaiah, S/o R.V.Ramanaiah,

Aged about 33 yrs., Constable

No.854504408, CISF Unit,

FCI, Ramagundam, Andhra Pradesh.

..... PETITIONER

AND

1. Union of India, represented by its

Secretary, Home Affairs, New Delhi.

2. The Dy.Inspector General, Central

Industrial Security Force, South Zone,

Chennai, Tamilnadu State.

3. The Commandant, CISF, Ministry of

Home Affairs, 6th Res.Battalion,

Arakkonam, Tamilnadu State.

4. Commandant, NTPC, Ramagundam,

Andhra Pradesh.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue writ or order or direction, particularly, one in the nature of Writ of Certiorari, call for the records leading upto and inclusive of the Appellate Order of the 2nd respondent in No.V-11014/14/98/L&R(SZ)2635, dated 1-5-1998 as illegal and arbitrary and quash the same.

Counsel for the Petitioner: Mr.Y.S.Sai Vara Prasad

Counsel for the Respondents: Mr.M.Ganga Rao, Addl.SC for CG

The Court made the following :

ORAL ORDER

This writ petition is filed questioning the order of the 3rd respondent in reducing the pay of the petitioner by two stages from Rs.1060/- to Rs.1020/- for a period of two years, which was confirmed by the appellate authority-2nd respondent.

For certain misconduct alleged against the petitioner, a departmental enquiry was conducted, in which he was found guilty and was imposed with a penalty of reduction of pay by two stages from Rs.1060/- to Rs.1020/- in the pay scale of Rs.825-15-900-EB-20-1200 for a period of two years by an Order dated 3-11-1997 of the 3rd respondent. In the said order, it was also stated that the petitioner will not earn increments of pay during the period of reduction and that on expiry of this period, the reduction will have the effect of postponing his future increment of pay.

A similar *lis* has already been adjudicated by this Court by an Order dated 5-12-2003 in W.P.No.21437 of 1998, in which it was held that the disciplinary authority cannot withhold the increments with cumulative effect, if it wants to award the

punishment under Rule 31(e) of the Central Industrial Security Force Rules,1969.

Following the same, this writ petition is disposed of modifying the impugned order of the 3rd respondent, which was confirmed by the 2nd respondent, to the effect that the reduction of pay of the petitioner by two stages from Rs.1060/- to Rs.1020/- for a period of two years is without cumulative effect. No costs.

October 4, 2004

Prk

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The Secretary, Home Affairs,

Union of India, New Delhi.

2. The Dy.Inspector General, Central

Industrial Security Force, South Zone,

Chennai, Tamilnadu State.

3. The Commandant, CISF, Ministry of

Home Affairs, 6th Res.Battalion,

Arakkonam, Tamilnadu State.

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